

ENTERED

UNITED STATES DISTRICT COURT

September 04, 2024

Nathan Ochsner, Clerk

for the

Southern District of Texas

United States of America)

v.)

Darrell Wayne Owens)

Defendant)

Case No. 4:24-cr-00424

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

- ☒ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
☐ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (*previous violator*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:

☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):

- ☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; **or**
☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
☐ **(e)** any felony that is not otherwise a crime of violence but involves:
 (i) a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); **(iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**

☐ **(2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C.

§ 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**

☐ **(3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**

☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

☒ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (*narcotics, firearm, other offenses*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☒ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☒ The defendant has not introduced sufficient evidence to rebut the presumption of danger to the community above, and detention is ordered on that basis.

OR

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☒ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☒ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☒ Subject to lengthy period of incarceration if convicted
- ☒ Prior criminal history
- ☒ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence

- ☐ Lack of financially responsible sureties
- ☐ Lack of significant community or family ties to this district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☒ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☒ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Even if Defendant Darrell Wayne Owens had rebutted the presumption that his release would pose an unacceptable danger to the community—he did not—the Government nevertheless showed, by clear and convincing evidence, that Defendant should be detained. Defendant’s criminal history reflects his deep and unrelenting involvement in drug trafficking, with starting with convictions for drug possession in 2004 and 2007 but escalating to manufacture/delivery of controlled substance and money laundering convictions in 2013. This makes Defendant’s pending federal charge for unlawfully possessing a firearm as a convicted felon, and doing so in furtherance of drug trafficking, all the more dangerous.

The evidence supporting the charges is also significant. A search of Defendant’s home uncovered two firearms in his bedroom closet and indications that Defendant was continuing to engage in drug distribution activity. Law enforcement found a large black toolbox in the living room with powdery residue that field-tested positive for cocaine. Moreover, a previous search of his trash found gallon-sized baggies with residue that was confirmed positive for cocaine. The size of those bags suggests they had contained kilogram quantities of cocaine. That also comports with the discovery of more than \$800,000 in cash in Defendant’s house, split between bags in his bedroom closet and a large portion hidden in the wall near his child’s bed. By Defendant’s own admission to pretrial services, his operation of a trucking business (income of \$5,500 monthly) yields nothing close to that kind of money. All these facts strongly indicate that Defendant is engaged in large-scale drug distribution, thereby posing a grave risk to public safety. In addition, the specter of a potentially lengthy prison sentence here, coupled with his access to large sums of illicit cash, underscore that Defendant poses a flight risk.

Defendant’s proposed conditions are wholly inadequate to ensure that his release would not endanger the public or pose a risk of non-appearance. Placing him in the custody of his girlfriend of two years provides no assurances, given that she and Defendant were already involved during the time that Defendant was operating his illegal enterprise. Either she looked the other way, or Defendant was able to hide these activities from her. Neither explanation suggests that she could or would adequately supervise his conduct or report any wrongdoing to the Court.

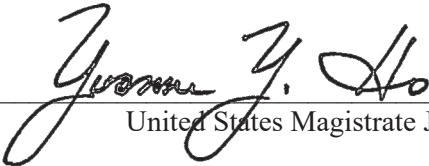
Moreover, Defendant never mentioned his girlfriend when interviewed by pretrial services. Instead, he claimed to be living with a different person, a common-law wife, at an address where he apparently does not actually live. Defendant’s lack of candor makes him a poor candidate for supervision and release. This is reinforced by Defendant’s prior convictions for evading arrest and resisting arrest, in addition to his prior disregard of bond conditions in 2013 by committing yet more drug crimes and unlawfully possessing a firearm.

Defendant also proposed having his family members put up cash or property as security for a bond and to place him on home detention with GPS monitoring. But the illegal activity underlying the pending charges all occurred *at his residence*. There is simply no way to reasonably ensure that Defendant would refrain from continuing illicit and dangerous conduct if he were released. Accordingly, it is **ORDERED** that Defendant Darrell Wayne Owens be **DETAINED** pending trial.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: September 4, 2024


United States Magistrate Judge